

### Remarks

In the Office Action, the Examiner noted that Claims 1-30 are pending in the application, and that Claims 1-30 are rejected. By this amendment, Claims 1, 5, 6, 7, 11, 15, 16, 17, 21, 25, 26 and 27 have been amended. Figures 1-3, 6, 7 and 8, corrected in accordance with the Draftperson's objection, are attached. The amendments to the claims and drawings do not add new matter to the application. The Examiner's rejections are traversed below.

The Applicant respectfully maintains that the amendments and arguments advanced in the response filed May 27, 2003 overcome the rejections maintained in the present Office Action. Accordingly, the Applicant requests reconsideration of the previously advanced amendments and arguments in light of the above additional amendments and the following additional arguments.

#### *Rejections Under 35 USC 102 and 103*

Independent Claims 1, 11 and 21 stand rejected under 35 USC 103(a) as being unpatentable over Boothby (US Patent 5,943,676) in view of Gehani (US Patent 5,765,171). The rejection alleges that Boothby teaches "provided that said first modification flag is set (i.e. one Dirty bit flag indicating whether data record has been changed, added and deleted), propagating said first data record to said target database (i.e., for the purpose of faster synchronization process, only those record which have been modified need to be loaded from the database)" at col. 21, lines 9-58. Applicant respectfully asserts that the Examiner has

taken two phases in isolation from their context and combined the phases to impart a meaning not supported by the detailed description of Boothby, col. 21, line 9 through col. 23, line 50.

Applicant respectfully asserts that Gehani teaches away from the combination of a modification flag, indicating that a particular record of the database to which it is associated has been modified, and a modification count, indicating the number of times that a particular record of the database to which it is associated has been modified. Gehani teaches a method of synchronizing utilizing a version vector and a database version vector. For each data record in a given database, Gehani teaches the use of a version vector comprising a server identifier and a corresponding modification count for the particular data record in the particular database. Synchronizing as taught by Gehani comprises analyzing each server identifier and each corresponding count value. When a data record in a first database on one server is being synchronized with the corresponding data record in a second database on another server, the count for that particular data record in each database on each server need to be compared, according to Gehani. . (Col. 5, lines 1-36).

The synchronizing method as taught by Gehani also requires a database version vector. The database version vector comprises a database version count for each database server. The count in the database version vector as taught by Gehani does not indicate the number of times that a particular data record has been modified. Instead, Gehani teaches that the database version vector indicates the total number of all data records, within the particular database of each server, that have been modified. (Col. 6, lines 31-54).

Furthermore, Gehani does not teach, suggest or provide the motivation to combine any of the plurality of counts in either the version vectors and/or the database vectors with a modification flag. Accordingly Gehani does not teach, suggest comparing a first modification count of said first data record with a second modification count of a corresponding data record in said target database, said first and second modification counts each being a value indicating how many times said first data record and said corresponding data record has been modified respectively, provided that said first modification flag is not set. Gehani also does not teach of suggest updating said corresponding data record according to said first data record, wherein said steps a) through e) can be completed without comparing raw data of said first data record and said corresponding data record, provided that said first modification count has a higher value than said second modification count.

For the above-advanced reasons, the present invention as claimed in Claims 1, 11 and 21, are patentable over Boothby in view of Gehani. Therefore withdrawal of this rejection is respectfully requested.

Dependent Claims 2-7, 12-17 and 22-27, stand rejected under 35 USC 103(a) as being unpatentable over Boothby in view of Gehani. Applicant respectfully submits that dependent Claims 2-7, 12-17 and 22-27, depend from patentable independent Claims 1, 11 and 21, respectively, and incorporate all the limitation thereof. Thus, Claims 2-7, 12-17 and 22-27, are also patentable for the above-advanced reasons with respect to independent Claims 1, 11 and 21. Accordingly, withdrawal of this rejection is respectfully requested.

Dependent Claims 8, 18 and 28, stand rejected under 35 USC 103(a) as being unpatentable over Boothby and Gehani in view of Boothby (US Patent 5,548,990). Applicant respectfully submits that dependent Claims 8, 18 and 28, depend from patentable independent Claims 1, 11 and 21, respectively, and incorporate all the limitation thereof. Thus, Claims 8, 18 and 28, are also patentable for the above-advanced reasons with respect to independent Claims 1, 11 and 21. Accordingly, withdrawal of this rejection is respectfully requested.

Dependent Claims 9, 10, 19, 20, 29 and 30, stand rejected under 35 USC 103(a) as being unpatentable over Boothby and Gehani in view of Taivalasaari (US Patent 6,366,898). Applicant respectfully submits that dependent Claims 9, 10, 19, 20, 29 and 30, depend from patentable independent Claims 1, 11 and 21, respectively, and incorporate all the limitation thereof. Thus, Claims 9, 10, 19, 20, 29 and 30, are also patentable for the above-advanced reasons with respect to independent Claims 1, 11 and 21. Accordingly, withdrawal of this rejection is respectfully requested.

#### Conclusion

For all the reasons advanced above, Applicant respectfully submits that the present application is in condition for allowance and that action is earnestly solicited. The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

The Commissioner is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment, to Deposit Account 23-0085.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

Dated: *October 7, 2003*

A handwritten signature in black ink, appearing to read "Eric J. Gash", is written over a horizontal line.

Eric J. Gash  
Registration No. 46,274

Two North Market Street  
Third Floor  
San Jose, CA 95113  
(408) 938-9060